

DEPARTMENT OF EARLY LEARNING

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November 13, 2012

To: Interested Parties

From: Marci Hixson, Rules Coordinator

Department of Early Learning

SUBJECT: Revised WAC Chapters 170-297 Licensed School Age Child Care Standards

Concise Explanatory Statement

RCW 34.05.325(6) requires the Department to prepare a "concise explanatory statement" before any rule is filed for permanent adoption. The concise explanatory statement:

- Identifies the Department's reasons for adopting the rule
- Describes any differences between the proposed rule and the final rule, other than editing, and the reasons for the differences; and
- Summarizes all comments by category received on the proposal rules during the official comment period, the Department's response to the comments, and whether any comments resulted in a change to the final rules, or giving the Department's reasons if the rule was not changed.

The Department sends the concise explanatory statement to everyone who commented on the proposed rules, or to anyone who requests it.

Rule Development Process. On April 23, 2009, DEL filed a CR 101 pre-proposal public notice that began the rule development process.

On September 5, 2012, DEL filed the formal proposed rules (CR-102 notice). Formal public hearings were held in the evening on October 9, 2012 in Seattle, and October 10, 2012 in Yakima. The comments received are summarized by issue or WAC number in the table below. The table also includes the department responses to each issue raised in the public comments.

Differences between the Proposed Rule and the Final Rule, other than editing.

WAC 170-297-1040 was removed.

170-297-1710(3)(i) Changed to read "Have a minimum of forty-five college credits (or thirty college credits and one hundred fifty training hours) in approved school-age credits as specified in the Washington state guidelines for determining related degree and approved credits.

(4) Was changed to read "A program director must be on the premises as needed.

170-297-1710

(5) Changed to read "When the program director is not on-site the program director must leave a competent, designated staff person in charge. This staff person must meet the qualifications of a site coordinator and may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.

170-297-1715 (2) (e) Changed to read" Have completed thirty college credits in approved school-age credits as specified in the Washington state guidelines for determining related degree and approved credits. , or twenty college credits and one hundred clock hours of related community training

170-297-1720 (3) (j) added, "if applicable".

(5) Changed to read "When the site coordinator is off-site or unavailable, lead teachers may assume the duties of site coordinator when they meet the site coordinator minimum qualifications, and may also serve as child care staff when the role does not interfere with management and supervisor responsibilities."

170-297-1730 (5) (f) added "if applicable"

170-297-1735 moved (4)(d) Food worker card, if applicable to (2)(e)

170-297-1820 Changed to read "The program staff must be provided with the following training:

- (1) Child/adolescent growth and development;
- (2) Learning environment and curriculum;
- (3) Child observation and assessment;
- (4) Families, communities, and schools;
- (5) Safety and wellness;
- (6) Interactions with children/youth;
- (7) Program planning and development;
- (8) Professional development and leadership;
- (9) Cultural competency and responsiveness;
- (10) Youth empowerment;

and

(11) Other training as appropriate.

170-297-2200 (5) removed "asthma attack"

170-297-2875 (1) (c) Changed to read "How to test the smoke detectors and carbon monoxide detectors and replace detector batteries, if required;

170-297-3250 (1) (d) changed to read "Provide access to immunization records of each child enrolled to agents of the state or local health department.

(2) Deleted

170-297-3300 changed to read "The child care program may accept a child without any immunizations if the parent or guardian provides a DOH certificate of exemption form indicating a medical, religious, philosophical or personal exemption as provided in WAC 246-105-060."

170-297-3700 Added (2) Where the licensee does not have decision making authority over the licensed premises, document verification of compliance is acceptable.

170-297-3925 (1) added "Where the licensee does not have decision making authority over the licensed premises, document verification of compliance is acceptable."

Cleaning, sanitizing and disinfecting table

Removed (c) (iii) and (iv)

- (d) Deleted, "may use disposable, one time utensils."
- (e) Changed to read "Toys that are not contaminated with bodily fluids. Dress-up clothes (not worn on the head or come into contact with the head while dressing). "
- (f) Deleted
- (g) Changed to read" Hats and helmets after each child's use or use disposable hats that only one child wears.
- (h) Changed to read "Wash cloths or single use towels, Sanitize (see subsection (3) of this section) After each child's use

3950 added "(3) Where the licensee does not have decision making authority over the licensed premises, document verification of compliance is acceptable."

170-297-4025 (1) (c) added the statement "During operating hours," 4100(2) Changed to read "The following chemicals and other substances that belonging to the program or program staff must be stored inaccessible to children:

170-297-4275 changed to read "A fan, air conditioner or cross ventilation must be used in licensed space when the inside temperature exceeds eighty-two degrees Fahrenheit. Fans and air conditioners must be kept inaccessible to the children, or a protective barrier must be used to prevent children from accessing fan blades."

170-297-4550 (1) deleted "Windows in the licensed space that are within the reach of the children must have a screen or guard to prevent a child's exit or limited opening of less than three and one-half inches.

170-297-5050 changed the word "equipment" to "structures"

170-297-5600 added "(3) At minimum, a 1:15 staff-to-child ratio must be maintained at all times."

170-297-5700 Deleted entire paragraph

170-297-6675 (1) added the statement "except when children are completing homework assignments"

170-297-7625 (1) changed to read "Breakfast must be made available either by the program or the school"

170-297-8060 (5) added the statement "at one time"

Summary of Comments; Department Response, and effect on the Final Rule. DEL received comments on the proposed rules. The following table summarized the issues raised in public comments, by rule section and category, and the department's response. The response also indicates if the proposed rule was changed as a result of the comment, or if the proposed rule was not changed and why.

WAC 170-297-1710 Program Director:

As a licensed school age care program we manage multiple sites in our schools within many school districts. We currently have 19 sites and 2 Program Directors that oversee these sites. We have employed Site Directors that directly supervise each site and who are on site the majority of the operating hours. Currently, our Site Directors meet the criteria for the Site Coordinator title. As we understand the language in the recommendations, we would have to restructure in order to have a Program Director at each of our Before & After school locations and of

The final rule was changed as a result of this comment.

Rationale: ESSB 5715 was adopted by the legislature and signed by the Governor in 2012. This bill directed The Department of Early Learning to adopt core competencies for early care and education professionals and child and youth development professionals. In August 2012, DEL adopted Washington State Guidelines for determining related degree and approved school age credits.

DEL realizes the negative financial impact of requiring a program director to remain on-site the

whom, would not be counted in the staff to child ratio. For programs such as ours, operating multiple locations, this would be financially unfeasible; we would not be able to operate under this financial burden. This proposed change would require any site which has 16 children to have to have 3 staff present – a Program Director (yet not count in the staff to child ratio), a Site Coordinator, and a lead staff (who would also need to hold the requirements of a Site Coordinator). By this standard we would have to hire an additional 17 staff to be able to meet these requirements.

SARG made recommendations for this section that aligned with the school age core competencies that were adopted by the Washington State Legislature. I support adopting those recommendations for this section. Not only do the SARG recommendations have support from school age care professionals from across the State of Washington, they do not present the enormous economic impact on providers that the revised WACs for this section will have on programs if they are required to have program directors and site coordinators with 45 ECE credits. Furthermore, the SARG recommendations also clearly articulate related educational degrees and credit areas. Having these articulated prevents licensors from being in the position of interpreting and deciding which credits apply or do not apply.

1710: Increase the number of required ECE or school age care credits for a Program Director from 30 credits to 45 credits.

- Staff currently employed for a number of years in their positions, and providing wonderfully enriching programs for our youth, would no longer be qualified to be a Program Director.
- Providers will be forced to look for people who may meet the qualifications, but turn away others who can greatly contribute to the quality of care through their diverse education and experiences.
- While programs may choose to offset the costs with an increase in tuition, the rate of reimbursement the state provides for care of children will not increase to compensate.
- Program Directors should be engaged with the children directly, as much as their other

majority of hours care is provided. Site Coordinators can maintain this function without having to meet the same requirements as the program director.

Both program directors and site coordinators may act as child care staff and be counted in ratio as long as it does not interfere with their ability to manage and supervise.

This WAC does not require an increase in credits to 45. There remains an option for Program Directors to have 30 credits and 150 training hours.

responsibilities allow, and serve as role models to other staff members. 1710: The proposed rules do not designate what would qualify as a school-age related degree or credits. • For school-age care sites, a variety of classes and coursework may be applicable to the care and development of young people in this broad age range. • The new rules proposed rules provide even less clarity than is currently stated in what credits would be accepted and leaves the matter up to the interpretation of the licensor. 1720: The proposed WAC states, "When the site coordinator is off-site or unavailable, lead teacher may assume the duties of a site coordinator, but are not counted in the staff-to-child ratio while in the role of the site coordinator." The same issues apply as listed above for the Program Director qualifications. Financially, employing this level and number of staff would be impossible and would lead to site closures. Most strongly impacted will be programs that provide care for low income and, often times, culturally diverse populations recommend expanding the credits allowed to business, finance, management and leadership. 170-297-1715 Site Coordinator-think if the The final rule was changed as a result of this candidate is qualified, has years of experience and comment. mulitiple trainings/stars merit etc. do not feel they Rationale: ESSB 5715 was adopted by the should always have to have college credits legislature and signed by the Governor in 2012. This bill directed The Department of Early Learning to adopt core competencies for early care and education professionals and child and youth development professionals. In August 2012, DEL adopted Washington State Guidelines for determining related degree and approved school age credits. 1775, 1800, and 1820: These proposed rules are The final rule was changed as a result of this redundant in requiring the 20 hour STARS training comment. and requiring training in the same topics covered Rationale: Program provided training was

changed to directly align with the core

competencies.

in the 20 hour STARS training without clarification

as to how the listed training in section 1820

differs.

As far as the food worker cards there is inconsistency about who and when staff must obtain a card. Does the recommendation require each staff person or all staff to obtain the food worker card? This is in WAC 170-297-7675.

Additional paperwork from parents that could result in a financial impact, such as a written plan for parents regarding food from home and health histories.

WAC 170-297-1200 Background checks.
(5) Since a licensed program is required to submit background checks to DEL upon hire and before allowing staff to have unsupervised care with children, why does DEL need verification of background checks each time the licensed program submits their annual license fee. This is a redundancy that seems unnecessary particularly due to the fact that background check verifications also occur when the licensor does their annual visit.

New fingerprint requirements will have a financial impact.

WAC 170-297-1200 Background Checks & WAC 170-297-1325

With the change in pricing for background checks combined with the time consuming process of applying for a STARS ID number and applying for a background check it makes it very cumbersome to get all of our staff through this new system. Because we have to do the exact same process for volunteers it will be very likely that we will no longer have volunteers in our programs. This is very unfortunate as they are mentors, tutors and role models that kids desperately need. Being a non profit organization we cannot cover the cost of the background checks and fingerprinting of volunteers and this just creates one more barrier, keeping them out of our programs. Since the change in fee structure for the background checks started and the additional requirement for fingerprinting for those new to the DEL background checks, we have seen a steep increase in costs. Our organization has chosen to cover the cost for our employees as we feel that it is

The final rule was changed as a result of this comment.

Rationale: Each staff member preparing or handling food, must have a food worker card. Not every staff member in the program needs one.

The final rule was not changed as a result of this comment

Rationale: The written food plan is a requirement to clarify what food the child is to be served and the rationale behind this.

The final rule was not changed as a result of this comment.

Rationale: Current background check information on staff that have access to children helps protect children.

Fingerprint requirements are a requirement of the background check WAC 170-06.

unreasonable to ask our staff who make close to minimum wage to cover this fee for a clearance we need them to have for our programs. Because of the increase in fees for this requirement our training budget will suffer.

The next area of concern is the additional expectations and possible financial requests impacting the parents we serve, which include putting in writing alternative meal plans, additional enrollment details, immunization record reporting, extra medication for disaster plans, health history, listed dentist and dentist visit date.

The final rule was changed as a result of this comment.

Rationale: Immunization reporting was removed. Meal plans are required to be in writing only if the child will be bringing food from home, or requesting different foods. This will let staff know what the requirements are for that child if they differ from the other children.

Additional medication is not required for disaster plans, this rule is requiring individuals to have a written plan for how to evacuate children and how to bring the medication along with you for evacuations.

There is no requirement to have a dentist, just to list one if they have one.

170-297-7625 Meal and snack schedule - I also was confused by the rules proposed that children be served breakfast by the site or the school – does that mean that even if a child says they ate breakfast at home, we would have to ensure they are served breakfast in our program or by the school?

The final rule was changed as a result of this comment.

Rationale: The language may have been confusing. The requirement was changed to read "Breakfast must be made available either by the program or the school." This requires that children have access to breakfast.

170-297-1000 License required—Concern exists for the safety of children due to the lack of attendance and sign-in accountability in unlicensed programs. This requirement limits the content and structure if licensed programs and at the same time risks child safety in order to allow participation in other programs that aren't licensed.

The final rule was not changed as a result of this comment.

Rationale: DEL has no authority over programs that are exempt under RCW 43.215.010 (2).

WAC does not clarify exemptions because exemptions are listed in RCW 43.215.010

The recently released Draft School Age WAC did not reflect the feedback we provided in May regarding proposed WAC 170-297-1000. Of primary concerns is ensuring there is a transparent and clear regulatory environment in which non-licensed, recreation programs can operate. As a community provider with roughly 100 non-licensed sites, we rely on the current WAC to provide us with clarity on whether we should be

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Now is a great opportunity to clearly state in the WAC the parameters for a licensing exemption. We would welcome the opportunity to help draft and review language that can provide this clarity. In the past the WAC has included an exemption for those providers running seasonal camps, classes, recreation programs and drop-in afterschool and summer programs

The majority of programs that exclusively serve school-age children are operated and located in public schools or other community buildings. The proposed WAC changes related to facility and physical environment must be re-evaluated keeping on mind the likely physical environments that these programs are housed in. These changes include: WAC 170-297-2150 and 2175 (facility based), 3950, 4250, 4300, 4350, 4360, 4375, 4550, 4700, 4925, 4950, 5000, 2575 through 3000 (excluding WAC 2675 and 2925) - requiring facilities and equipment maintenance records be maintained. Organizations operating out of public school buildings do not generally have access to these records or control over maintenance. Allow schools/districts to verify that these records are kept current and in compliance.

The final rule was changed as a result of this comment.

Rationale: DEL recognizes that many school-age programs are housed in buildings that they do not own. It could be difficult and costly to require a school-age program to perform maintenance on facilities that they do not have control over. Added language to all facility requirements that state if the program does not own the building where they are housed, that they must get proof from the building owners that the maintenance is being performed.

170-297-3300 - Immunizations—exemption.

Unless the rules are changing again, a typo exists in allowing an exemption signed only by the parent other than for declaration of membership in a religious organization that does not allow immunizations.

The final rule was changed as a result of this comment.

Rationale: DEL requires programs to follow the DOH requirements.

WAC 170-297-3300 Immunizations--Exemption. Change WAC to reflect current RCW regulation.

170-297-6000 – (10) Define appropriate touch when encouraging providers to do so. (12) Recommend changing "investigate cries or other signs of distress" to more age appropriate phrasing i.e. "investigate any sign indicating a possible cause for concern or child discomfort" for example.

The final rule was not changed as a result of this comment.

Rationale: No change - Scope of touch is adequately defined by prohibited actions and 170-297-6275 Abuse and neglect – protection and training.

170-297-6100 – 170-297-6250 – Recommend including approved and prohibited actions related to preventing a child from leaving the premises without permission or supervision and for returning the child to licensed space when the

The final rule was not changed as a result of this comment.

Rationale: WAC 170-297-6225 Physical restraint When a child's behavior makes it necessary for his or her own or another's protection, the licensee or

child is unwilling.	program staff may restrain the child by holding the child as gently as possible. A child must not be physically restrained longer than necessary to control the situation. WAC 170-297-2200 Reporting incidents to 911 (emergency services) (8) Other incidents requiring emergency response.
170-297-6400 Off-site activities—parent or guardian permission. Clarify written permission required for trips. The WAC requires giving parents contact information for an activity (scheduled or unscheduled) that may occur more than once per month. However, there is no need to give parent contact information if the activities occur less often than once per month. Recommend clarify if this is for reoccurring activity (i.e. swimming every Monday) or for a regular trip that might be taken to various occasions.	The final rule was changed as a result of this comment. Rationale: This rule was re-numbered for clarity.
170-297-7680 (3a) - this appears to contradict 7530(2) and if that is not the intent, it is not clear. It seems to allow previously prepared foods elsewhere. (5) is a duplicate of 7675. 7750 (3) - many school age sites do not have food prep sinks and if we require them to do so now, many would close. Those without prep sinks only serve prepackaged foods and single use containers. Having a MUST on this WAC will effectively close many school age sites.	The final rule was not changed as a result of this comment. Rationale: This is written to distinguish between previously prepared foods that were served and previously prepared food that was not served.
170-297- 1040 should be changed or deleted. Everyone should have to follow section 1035 without exception 1040: While this demonstrates some improvement, there needs to be continued review of the Fire Inspection criteria for licensed programs. Schools that are deemed safe for students during the day - whether by local, State or school determination - can run safe child care programs in the after school hours as well. Continued discrepancy in this prevents providers from expanding programs and working to address the child care needs of more children in our State	The final rule was changed as a result of this comment. Rationale: Requiring a fire safety inspection by the State Fire Marshal's Office for all program's seeking a license is a health and safety issue. Exemption is removed.
170-297-5725 Groups . The groups section does not address the number of groups allowed in one	The final rule was not changed as a result of this comment.

room so long as the square footage and staffing requirements are met. Clarity on this is essential. For example, there are programs housed in gyms in Eastern Washington that allow for multiple groups of 30 so long as the spaces for each group can be clearly identified. In some cases programs use orange cones to define spaces. Bottom-line, if there is enough square footage to allow for multiple groups that should be specifically addressed in this rule.

Rationale: Groups can be no more than 30. The total number of children in all groups cannot exceed the licensed capacity. This allows for multiple groups of 30, as long as you maintain the licensed capacity.

Clearly defined space can be any barrier, does not have to be walls.

Define "clearly defined licensed space for each group".

WAC 170-297-1125 Orientation required.

(1) In Seattle Public Schools it is impossible to complete an orientation within 12 months prior to submitting an application. Historically, Seattle schools that are seeking a schoolbased provider start the selection process with less than 6 months prior to the center opening.

The final rule was not changed as a result of this comment.

Rationale: This is requiring an orientation within 12 months prior to submitting the application; it is not requiring the orientation 12 months before submitting the application. For example: If an orientation was taken 4 months prior to submitting the application, which would be ok.

WAC 170-297-1525 Change in circumstances.

(1)(d) This section needs clarification. Does this mean resignation or termination as in 24 hours of last day of work or 24 hours upon receiving a resignation?

The final rule was not changed as a result of this comment.

Rationale: It is the department's position that this means 24 hours after the last day of employment.

WAC 170-297-2200 Reporting incidents to 911 (emergency services).

(1) School age care programs have a missing child protocol that includes calling 911 once all other measures have been followed (i.e., checking with the school to see if the child attended school on that day, calling parents and authorized emergency contacts, etc.). It is not prudent to call 911 immediately as the call may not be necessary once missing child protocols have been employed. (5) Asthma attack needs more explanation. Quite often if a child asks for his inhaler, it is commonly asked of the child if s/he is having an asthma attack.

2200: The list of circumstances under which a provider would be required to call 911 lacks clarity and does not allow for providers to work through the established procedures which most times deems a call to authorities unnecessary. This includes calling 911 for a child having an asthma attack - even if it is a known and treatable

The final rule was changed as a result of this comment.

Rationale: The department requires that 911 be contacted once a determination has been made that the child is missing. If there is a protocol the program follows to determine a child is missing, that protocol should be followed.

Asthma attack was removed. It is already covered under (2) medical emergency that requires immediate medical care. If an asthma attack can be controlled by an inhaler, 911 would not need to be contacted.

condition.	
WAC 170-297-2375 Parent/guardian policies (handbook). (b) School age children receive report cards from their elementary school teachers. Why are providers being asked to provide progress reports to parents twice each year? WAC 170-297-3250 Immunization tracking. this information, why is it also required by licensed programs? Do not feel it is school-age programs job to do immunization reporting	The final rule was not changed as a result of this comment. Rationale: WAC as written does not require the equivalent of a report card or parent teacher conference, it is requiring that staff notify parents in the handbook how they will communicate a child's progress with the parent. The final rule was not changed as a result of this comment. Rationale: This rule is in accordance with WAC 246-105 Immunization of Child Care and School Children Against Certain Vaccine-Preventable Diseases. The specific section is 246-105-060 Duties of
	Schools and Child Care Centers, which is a Department of Health WAC
WAC 170-297-3875 Cleaning and sanitizing toys. (3) Not less than weekly. Due to the fact that school age programs are serving school age children who are not typically putting things in their mouths, a toy cleaning schedule that is monthly or quarterly makes more sense. WAC 170-297-3925 Cleaning, sanitizing, and disinfecting table. (2) (a) one tablespoon of chlorine bleach to one quart of cool water. (3) (a)(i) three-quarters teaspoon of chlorine bleach to one quart of cool water. Why the difference in chlorine to bleach quantities? Staff is busy with so many tasks is this really necessary? Will the department of health reprint all of their solution stickers and change their policy?	The final rule was not changed as a result of this comment. Rationale: This is the recommendation from DOH.
WAC 170-297-4250 Indoor temperature. States maximum temperature of 82° Fahrenheit. WAC 170-297-4275 Fans, air conditioning or cross ventilation. States that a fan, air conditioner or cross ventilation be used when indoor temperature exceeds 80° Fahrenheit. To eliminate any confusion, shouldn't the temperatures be the same? Either 80° or 82° Fahrenheit but not both. Furthermore, programs that are located on-site a public schools typically do not have control over heating and	The final rule was changed as a result of this comment. Rationale: Changed 170-297-4275 to read 82 degrees for consistency.

cooling. If what happens during the school day is acceptable, why can't the same standard be applied during the out-of-school time?

WAC 170-297-4375 Lighting safety.

(a) Shatter resistant covers. Since many school-age programs are located in schools, most schools do not have shatter resistant covers over their lights. If it is not required during the school day, and the safety concerns are mitigated by the ages of the kids served (e.g. school age kids can walk around broken bulbs) why is it necessary during the out-of-school time hours? The cost associated with having to cover bulbs can be overly burdensome to programs particularly when the lights are deemed safe during school hours.

The final rule was not changed as a result of this comment.

Rationale: Caring for Our Children recommends the use of shatter resistant bulbs. This WAC allows for either shatter resistant light bulbs or shatter resistant covers. It is not requiring both.

WAC 170-297-6150 Prohibited actions.

(5) States that staff must not withhold active play as punishment. Sometimes during active play it is a logical consequence to ask a child not to participate in active play until they are able to do so appropriately. More clarification on this is needed.

The final rule was not changed as a result of this comment.

Rationale: This is covered in 170-297-6100 Separating a child from the group.

WAC 170-297-6575 Activities to promote child growth and development.

Although this section is important to the healthy development of children, the way it is written leaves far too much to the preferences and interpretation of licensors.

- (1) The program must contain a range of learning experiences for the children to:
- (a) What is an activity to gain self-esteem and self-awareness to one licensor can be something altogether different for another.
- (e) Recognizing and supporting positive cultural and individual identities are subject to the beliefs and values of each program never mind each licensor. Parents choose programs based on several factors including the program philosophy. Licensors who have a bias toward gay and lesbian rights highlight those types of program elements where other licensors may be more focused on ethnic identities. This is not a licensing matter and should not be legislatively mandated to allow for the subjectivity of individual licensors. Unless clear, objective language can be written,

this should be taken out.

(2) Variety of options including a balance between:

The final rule was not changed as a result of this comment.

Rationale: This requirement is aligned with Washington State Early Learning and Development Guidelines.

- (a) through (d)
- (3) small and large muscle activities and outdoor play
- (4) opportunities for children to participate in moderate to vigorous physical activity on an average of 30 minutes for every three hours
- (6) regular schedule allowing for special events
- (7) child movements from one activity to another
- (a) through (c)

All of these rules ((2) through (7)(c))are more objective and observable in a program. It is imperative that the rules are clear and objective. How are these rules measured? Any rules that are dependent on interpretation should be removed or objectively articulated.

WAC 170-297-6675 Screen time—Limitations.

(1) If this period of time is meant only for television/videos, it should be specified that children also be allowed some amount of computer screen time for homework.

WAC 170-297-6675: SOWA would support a specific notation of computer time for homework and or academic use not be counted in screen time and would like to see general screen time be limited to 30 minutes/week.

showing movies only for educational purposes. We feel that this is not age appropriate and should be removed

This needs to be clarified? What constitutes "screen time"? Does this include computers? What about educational software and games on electronic devices?

The final rule was changed as a result of this comment.

Rationale: The department recognizes that all children may not have computer access at home, so the exception to the screen time limitation is when using it to complete homework assignments.

The department stands by the decision that movies or television provided by the program should be educational in nature.

Screen time is defined in the definition section 170-297-0010.

WAC 170-297-6775 Diversity.

- (1) Environment that reflects each child's life, culture and language, etc.
- (2) Describe or demonstrate to the licensor, or have a written plan for how:

(a)-(b)

This is very personal and is only subject to the children and families in the program. It is not something that should be regulated nor should it be left up to the interpretation of individual licensors. Unless clear, objective language can be written, this should be taken out.

The final rule was not changed as a result of this comment.

Rationale: This requirement aligns with Washington State Early Learning and Development Guidelines.

WAC 170-297-8350 Providing unlicensed care— Notice.

(1) Providing unlicensed child care in his or her home, etc.

Since there are a wide variety of ways in which unlicensed care is being offered, the rule will address more of the unlicensed care concerns if the statement reads "providing unlicensed child care." Remove "in his or her home."

The final rule was changed as a result of this comment.

Rationale: The language "in his or her own home" was removed. Unlicensed child care can be offered in other settings as well.

170-297-5050 Bouncing equipment prohibited.

The use of bouncing equipment is prevalent in schools and is appropriate for the age group, therefore should not be restricted in this manner. Additionally, the proposed rule prohibits "inflatable equipment". This needs to be clarified if the rule is kept in place so as not to be left open to interpretation around any item, including balls that require a pump to inflate.

The final rule was changed as a result of this comment.

Rationale: The department's intent was to prohibit trampolines, rebounders, and inflatable structures like bouncy houses. The term has been changed to structures instead of equipment.

7525: The requirement of a written food plan for any food provided by parents or guardian needs further clarification. It is very common in schoolage programs for children to pack snacks in their lunches to eat later, to bring lunch on no school days, etc. The currently proposed rule appears to state that a written food plan would be required for all such cases and would put a burden on parents as well as providers.

The final rule was not changed as a result of this comment.

Rationale: Parent provided food is allowed on the basis of preference. The written food plan is a document which states what the preference is.

WAC 170-397-1820 Program provided training. SOWA would like to see the exact competency list

as adopted by the legislature in HB 5715 inserted in this section.

The final rule was changed as a result of this comment.

Rationale: The department recognizes the importance of aligning trainings with the core competency areas.

Septic system and drinking water sections - WAC 170-297-1375 and WAC 170-297-1400

These WACs are modeled after the family home child care WAC. Unless school-age programs are in private residences, it would be more appropriate to model these WACs off of the ones for centers. They should have a septic system designed for that particular purpose (i.e. sized big enough to handle the wastewater produced). They should also be getting drinking water from a Group A or Group B public water system, not from a private well.

The final rule was not changed as a result of this comment.

Rationale: These rules require the program to follow the local health authority regulations. These rules need to be written to capture programs that may be served by private wells.

For example, for a church housing a school-age program, simply having a pumper inspect the septic system every three years is not adequate. It

would be important for the septic system to be designed and approved to handle the extra people during the week. Also, a private well would not be an appropriate water source for a school-age program, unless the program was in a private residence. The water should come from an approved public water system – a group A water system, or an approved group B water system. These WAC sections should be reviewed with the Environmental Health section at the Washington State Department of Health to ensure that they align with current DOH codes. WAC 170-297-1775 Basic twenty hour STARS The final rule was not changed as a result of this training comment. The WAC states that the person cannot be left Rationale: Training should occur prior to caring for alone with kids until they have completed the 20 children. hr STARS. If their background check has been cleared and they are currently enrolled in the STARS class the current WAC allows the person 6 months to finish. This gives us flexibility and still allows us to staff accordingly. With the new WAC, we will be forced to do the local trainings so they can be done in a timely manner. These trainings are usually \$50 more than they online version. Once again adding a huge expense for staffing. WAC 170-297-4750 storage for each child's The final rule was changed as a result of this belongings comment. This WAC states that separate storage for each Rationale: The intent of this section was to require child's belongings must be provided. that children's personal belongings be kept This is vague. What is acceptable? Hooks, cubbies, separate from one another. If children keep their does having their belongings in their backpacks personal belongings in their back packs, that is suffice? fine. WAC 170-297-7625 meal and snack schedule The final rule was not changed as a result of this (3) when all day care is provided, meals, including comment. lunch, and snacks must be served at intervals not Rationale: This rule is referencing when foods less than two hours and not more than three and should be available. Children can bring lunch from one half hours apart. home. Does this mean that we must serve lunch? Kids cannot bring lunch from home? WAC 170-297-5150 water safety and activity The final rule was changed as a result of this (B) a certified lifeguard, with a nationally comment. recognized certification, must be present at all Rationale: WAC is not requiring program to times. Lifeguards are not counted in the staff-toprovide life guard if there is already one available.

child ratio.	
We go swimming at the city pool at least once	
each week over the summer. They pay certified	
lifeguards for their pool. Why in that circumstance	
would we need to bring an additional lifeguard? I	
think there should be an exception for places	
where certified lifeguards are already on site.	
WAC 170-297-3315 Medication management	The final rule was not changed as a result of this
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Addition to the WAC: Medication Training should	comment.
be annual and the training must be administered	Rationale: According to Caring For Our Children
by a professional who is licensed to administer	standard 3.6.3.3, skill and competency should be
medications.	monitored annually.
WAC 170-297-3525 Nonprescription medications	The final rule was not changed as a result of this
Addition to WAC: No prescription or non-	comment.
prescription medication (OTC) should be given to	Rationale: Non-prescription medication does not
any child without written orders from a prescribing	require written orders from a health care provider,
health professional and written permission from a	only permission from a parent or guardian.
parent/guardian. Exception: Non-prescription	, , ,
sunscreen and insect repellent always require	
parental consent but do not require instructions	
from each child's prescribing health professional.	T C
WAC 170-297-5175 Wading poolsDefined	The final rule was not changed as a result of this
Supervision.	comment.
Portable Wading Pools should not be allowed.	Rationale: The WAC does not require programs to
	provide children access to wading pools.
Do not feel it is appropriate to require specific	
permission from parents for children to use	
wading pools.	
WAC 170-297-5725 Groups.	The final rule was not changed as a result of this
We recommend a decrease in staff-to-child ratio	comment.
and group size in accordance with Caring for Our	Rationale: A major change in staff to child ratios at
Children and NAEYC.	this time would be a major cost increase for
Age 5-Maximum Child: Staff Ratio is 8:1 with	programs and may require some programs to
Maximum Group Size of 16.	close.
·	ciose.
Age: 6-8—Maximum Child: Staff Ratio is 10:1 with	
Maximum Group Size of 20.	
Age: 9-12-Maximum Child: Staff Ratio is 12:1 with	
Maximum Group Size of 24.	
"Moderate to vigorous physical activity" needs to	The final rule was not changed as a result of this
be defined so that providers have real clarity about	comment.
these terms.	Rationale: The department tries to refrain from
	listing examples in WAC.
There are four recommended areas of	The final rule was not changed as a result of this
improvement outlined below:	comment.
·	
Include meal pattern and portion size chart from	Rationale: Programs are required to follow the
USDA's Child and Adult Care Food Program	USDA requirements for food and nutrition. The

(CACFP) directly in the regulations, or as an appendix rather than just cross-referencing them.

Mandatory training on nutrition planning and preparation is critical for providers.

Create supportive meal time environments in three ways: >> Add the following to WAC 170-297-7650: Serve family style to encourage choice rather than serving full plates of food; Sit with children during meal and snacks and eat with them; and Do not use food as a reward or punishment.

Include specific nutrition requirements regarding milk, juice, sugar-sweetened beverage, fat, and sodium. Simply cross-referencing to the CACFP meal pattern does not provide actual nutritional standards that can be deployed by providers. >> Add the following to WAC 170-297-7500:

- (1) Serve only 1% or nonfat milk.
- (2) Serve only 100% juice, limited to no more than 6 ounces, 2 times per week.
- (3) Do not serve beverages with added sweeteners (examples: soda, juice drinks, sports drinks, etc.)
- (4) Offer a fruit or vegetable at each afternoon snack.
- (5) Limit high fat, high sodium meats (e.g. hot dogs, corn dogs, sausage, bacon, bologna, fried or pre-fried breaded meats such as chicken nuggets) to no more than once every two weeks
- (6) Limit foods with added sugar and such as sweet grains/baked goods (e.g. cakes, cookies, donuts, toaster pastries and cinnamon rolls) to no more than once every two weeks.
- (7) Limit baked pre-fried or fried fruits or vegetables (such as French fries and tater tots) to no more than once every two weeks.

department cross references federal requirements so that as they are updated or changed, our regulations remain up to date.

Depriving a child of food or water is already prohibited.

The WAC allows for the option of serving meals family style.

Concern regarding programs being allowed to care for special needs children up to the age of 19. The feeling is that this may not be safe for other children.

The final rule was not changed as a result of this comment.

Rationale: The department is not requiring schoolage programs to care for children with special needs up to the age of 19, but requiring a schoolage program get approval to care for a special needs child if they are over the age listed on the license

Art materials are required to be non-toxic

The final rule was not changed as a result of this comment.

170-297-5125 required twenty minutes of physical activity while 6575 requires thirty minutes. They should be consistent.	Rationale: It is the department's position that for the safety of children in care, art materials should be non-toxic. The final rule was not changed as a result of this comment. Rationale: Section 5125 is the requirement of
	outdoor activities, while 6575 is physical activity in general.
Take out the word child care and replace with school-age programs.	The final rule was not changed as a result of this comment. Rationale: The department uses the term child care to refer to facilities that care for children.
WAC 170-297-4550 Windows Requiring a screen or guard to prevent a child's exit or limited opening of 3 and ½ inches is not age appropriate for school age children.	The final rule was changed as a result of this comment. Rationale: Caring for our Children recommends a limited opening of windows to four inches for children under five. No recommendation of window limitation is made for school age children.
170-297-4100 Poisons, chemicals and other substances Some items in this list to be kept inaccessible to children are items the children may keep in their own backpacks.	The final rule was changed as a result of this comment. Rationale: The intent of this section is to keep items that may be owned by the program or program staff inaccessible to children. Language was changed to clarify.